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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,615	04/03/2000	Takeshi Namikata	35.C14396	4350

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NEW YORK, NY 10112

EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/541,615

Applicant(s)

NAMIKATA, TAKESHI

Examiner

King Y. Poon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 23-33, 35-40 and 45-59 is/are pending in the application.
- 4a) Of the above claim(s) 1-20, 35-40 and 45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21, 23-33 and 46-55 is/are allowed.
- 6) ☒ Claim(s) 56-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/3/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The new title and abstract filed on 6/28/2004 has been accepted.
2. Claims 1-20, 35-40, and 45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/28/2004.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 57, 59 are rejected under 35 U.S.C. 102(a) as being anticipated by Shimada et al (US 5,795,082).

Regarding claim 57: Shimada teaches a printer driver (96, fig. 9) comprising: a rasterizer (97, fig. 9) adapted to generate an image rasterized according to an instruction of a print process (from application, fig. 9; the column 9, lines 67); and a judgment module (99, fig. 9) adapted to judge whether or not the rasterized image generated by said rasterizer represents a specific image (a light level image or a deep

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level image, fig. 14, column 12, lines 1-25), wherein the printer driver is included in an operating system (column 16, lines 27-32).

Regarding claim 59: Shimada teaches a printer driver (96, fig. 9) comprising: rasterizing means (97, fig. 9) for generating an image rasterized according to a instruction (from application, fig. 9; the column 9, lines 67) of a print process, and judgment means (99, fig. 9) for judging whether or not the rasterized image generated by said rasterizing means represents a specific image (a light level image or a deep level image, fig. 14, column 12, lines 1-25), wherein said printer driver is included in an operating system (column 16, lines 27-32).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 56, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al (US 5,795,082) in view of Marbry et al (US 5,692,111).

Regarding claim 56: Shimada teaches a printer driver comprising: a rasterizer (97, fig. 9) adapted to generate an image rasterized according to an instruction of a print process (from application, fig. 9; the column 9, lines 67); and a judgment module (99, fig. 9) adapted to judge whether or not the rasterized image generated by said rasterizer

represents a specific image (a light level image or a deep level image, fig. 14, column 12, lines 1-25).

Shimada does not teach wherein said printer driver is downloaded through a network.

Marbry, in the same area of a computer of using printer driver for printing, teaches computer's printer driver is downloaded through a network (column 2, lines 1-11).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Shimada's printer driver to include: wherein the printer driver is downloaded through a network.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Shimada's printer driver by the teaching of Marbry because of the following reasons: (a) it would have allowed the computer to have a proper printer driver for printing even the computer is not originally installed with the printer driver; (b) it would have reduced the memory of the computer for not having to store a lot of printer driver; and (c) it is an inherently properties of Microsoft Window operating system, column 1, lines 15-35, Marbry, and using Microsoft's operating system has been proven to be reliable and widely accepted by the public.

Regarding claim 58: Shimada teaches a printer driver (96, fig. 9) comprising: rasterizing means (97, fig. 9) for generating an image rasterized according to a instruction (from application, fig. 9; the column 9, lines 67) of a print process, and judgment means (99, fig. 9) for judging whether or not the rasterized image generated

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by said rasterizing means represents a specific image (a light level image or a deep level image, fig. 14, column 12, lines 1-25).

Shimada does not teach wherein said printer driver is downloaded through a network.

Marbry, in the same area of a computer of using printer driver for printing, teaches computer's printer driver is downloaded through a network (column 2, lines 1-11).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Shimada's printer driver to include: wherein the printer driver is downloaded through a network.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Shimada's printer driver by the teaching of Marbry because of the following reasons: (a) it would have allowed the computer to have a proper printer driver for printing even the computer is not originally installed with the printer driver; (b) it would have reduced the memory of the computer for not having to store a lot of printer driver; and (c) it is an inherently properties of Microsoft Window operating system, column 1, lines 15-35, Marbry, and using Microsoft's operating system has been proven to be reliable and widely accepted by the public.

Allowable Subject Matter

7. Claims 21, 23-33, 46-55 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 56-59 have been considered but are moot in view of the new ground(s) of rejection. Please see office action.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892.

9/15/04

KING Y. POON
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "King Y. Poon". The signature is written in black ink and is positioned below the printed name and title.